

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.

05 OCT 11 PM 4: 07

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENN. MEMPHIS

JOSHUA HUMPHREY and
JEFF DAVIS,

Plaintiffs,

v.

No. 05-2398 B

CITY OF MEMPHIS and
ERIC RICHARDSON, individually,

Defendants.

ORDER TO SHOW CAUSE WHY CLAIMS AGAINST INDIVIDUAL
DEFENDANT SHOULD NOT BE DISMISSED

This action was filed on May 31, 2005 against the City of Memphis and Eric Richardson, individually. The docket reflects that summons was issued as to both Defendants, and that a return of service was filed for only the municipal Defendant. On October 5, 2005, the motion to dismiss of the Defendant City of Memphis was granted based upon the failure of the Plaintiffs, Joshua Humphrey and Jeff Davis, who are represented by counsel, to pursue their claim. According to the docket, Defendant Richardson has never made an appearance in this case and the Plaintiffs have made no effort whatever to pursue the allegations in their complaint as to this Defendant. Thus, the Plaintiffs are ORDERED, within eleven (11) days of the entry of this order, to show cause why their claims against Defendant Richardson should not be dismissed for failure to prosecute pursuant to Rule 41 of the Federal Rules of Civil Procedure. Failure of the Plaintiffs to respond to the Court's directive in a timely manner will result in dismissal of this action with prejudice.

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 10-12-05

(10)

IT IS SO ORDERED this 11th day of October, 2005.

A handwritten signature in black ink, appearing to read "J. Daniel Breen", written over a horizontal line.

J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 10 in case 2:05-CV-02398 was distributed by fax, mail, or direct printing on October 12, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT